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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

17 IN RE: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC  
MDL No. 1917

The Honorable Samuel Conti

19 This Document Relates to:

Individual Case No. 3:14-cv-02510

21 *ViewSonic Corporation v. Chunghwa*  
22 *Picture Tubes, Ltd. et al.*, No. 14-cv-02510

**DECLARATION OF ASTOR H. L.  
HEAVEN IN SUPPORT OF VIEWSONIC  
CORPORATION'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PURSUANT TO CIVIL LOCAL RULES 79-  
5(d) AND 7-11**

1 I, Astor H.L. Heaven, hereby declare as follows:

2 1. I am an attorney with the law firm of Crowell & Moring LLP, which represents  
3 ViewSonic Corporation (“ViewSonic”) in the above-captioned action currently pending in the  
4 United States District Court for the Northern District of California. I am a member in good  
5 standing of the District of Columbia and Maryland bars, and am admitted to appear in this Court  
6 *pro hac vice* in *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-5944-SC, MDL  
7 No. 1917 (“MDL 1917”). The matters stated herein are true to my own personal knowledge, and,  
8 if called as a witness, I could and would competently testify thereto.

9 2. I submit this declaration in accordance with Civil Local Rule 79-5 to set forth facts in  
10 support of ViewSonic’s Administrative Motion to File Under Seal Pursuant to Civil Local Rules  
11 79-5(d) and 7-11.

12 3. ViewSonic has disclosed or produced to parties in this action certain documents and  
13 information designated as either “Confidential” or “Highly Confidential” pursuant to the  
14 Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306) (“Protective Order”).

15 4. Pursuant to Civil Local Rules 79-5 and 7-11, this Court’s General Order No. 62,  
16 Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Protective Order, I  
17 make this declaration on behalf of ViewSonic to provide the Court with a basis to maintain under  
18 seal the following documents and information designated by ViewSonic as “Confidential” or  
19 “Highly Confidential:” (i) Exhibits A through G to the Declaration of Astor H. L. Heaven in  
20 Support of ViewSonic Corporation’s Opposition to the Panasonic Defendants’ Motion to Dismiss  
21 and Compel Arbitration (“Heaven Declaration”), (ii) all highlighted portions of ViewSonic’s  
22 Opposition to the Panasonic Defendants’ Motion to Dismiss and Compel Arbitration (the  
23 “Opposition”) which reference confidential information contained in Exhibits A through G, and  
24 (iii) all highlighted portions of the Heaven Declaration.

25 5. Exhibit A to the Heaven Declaration is a true and correct copy of an OEM Agreement  
26 between ViewSonic and Capetronic dated June 1, 1997, designated by ViewSonic as “Highly  
27 Confidential” under the terms of the Protective Order. The document contains confidential,  
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1 nonpublic, and highly sensitive business information pertaining to ViewSonic's purchasing  
2 practices, negotiation tactics, and business relationship with a vendor. The document includes the  
3 negotiated terms and conditions that governed the relationship. Public disclosure of this sensitive  
4 information risks undermining ViewSonic's business relationships with its various other vendors,  
5 harming ViewSonic's customer relationships, and providing ViewSonic's competitors with an  
6 unfair strategic advantage. Public disclosure would place ViewSonic at a competitive  
7 disadvantage when negotiating other agreements and when negotiating for the sale of its products  
8 to its own customers.

9 6. Exhibit B to the Heaven Declaration is a true and correct copy of a Supplier Agreement  
10 between ViewSonic and Amtran dated May 1, 1997, designated by ViewSonic as "Highly  
11 Confidential" under the terms of the Protective Order. The document contains confidential,  
12 nonpublic, and highly sensitive business information pertaining to ViewSonic's purchasing  
13 practices, negotiation tactics, and business relationship with a vendor. The document includes the  
14 negotiated terms and conditions that governed the relationship. Public disclosure of this sensitive  
15 information risks undermining ViewSonic's business relationships with its various other vendors,  
16 harming ViewSonic's customer relationships, and providing ViewSonic's competitors with an  
17 unfair strategic advantage. Public disclosure would place ViewSonic at a competitive  
18 disadvantage when negotiating other purchase agreements and when negotiating for the sale of its  
19 products to its own customers.

20 7. Exhibit C to the Heaven Declaration is a true and correct copy of an OEM Agreement  
21 between ViewSonic and Delta dated December 1, 2001, designated by ViewSonic as "Highly  
22 Confidential" under the terms of the Protective Order. The document contains confidential,  
23 nonpublic, and highly sensitive business information pertaining to ViewSonic's purchasing  
24 practices, negotiation tactics, and business relationship with a vendor. The document includes the  
25 negotiated terms and conditions that governed the relationship. Public disclosure of this sensitive  
26 information risks undermining ViewSonic's business relationships with its various other vendors,  
27 harming ViewSonic's customer relationships, and providing ViewSonic's competitors with an  
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1 unfair strategic advantage, Public disclosure would place ViewSonic at a competitive  
2 disadvantage when negotiating other purchase agreements and when negotiating for the sale of its  
3 products to its own customers.

4 8. Exhibit D to the Heaven Declaration is a true and correct copy of an OEM Agreement  
5 between ViewSonic and Jean Co. Ltd dated January 29, 2002, designated by ViewSonic as  
6 “Highly Confidential” under the terms of the Protective Order. The document contains  
7 confidential, nonpublic, and highly sensitive business information pertaining to ViewSonic’s  
8 purchasing practices, negotiation tactics, and business relationship with a vendor. The document  
9 includes the negotiated terms and conditions that governed the relationship. Public disclosure of  
10 this sensitive information risks undermining ViewSonic’s business relationships with its various  
11 other vendors, harming ViewSonic’s customer relationships, and providing ViewSonic’s  
12 competitors with an unfair strategic advantage, Public disclosure would place ViewSonic at a  
13 competitive disadvantage when negotiating other purchase agreements and when negotiating for  
14 the sale of its products to its own customers.

15 9. Exhibit E to the Heaven Declaration is a true and correct copy of an OEM Agreement  
16 between ViewSonic and LG Electronics dated August 1, 1998, designated by ViewSonic as  
17 “Highly Confidential” under the terms of the Protective Order. The document contains  
18 confidential, nonpublic, and highly sensitive business information pertaining to ViewSonic’s  
19 purchasing practices, negotiation tactics, and business relationship with a vendor. The document  
20 includes the negotiated terms and conditions that governed the relationship. Public disclosure of  
21 this sensitive information risks undermining ViewSonic’s business relationships with its various  
22 other vendors, harming ViewSonic’s customer relationships, and providing ViewSonic’s  
23 competitors with an unfair strategic advantage, Public disclosure would place ViewSonic at a  
24 competitive disadvantage when negotiating other purchase agreements and when negotiating for  
25 the sale of its products to its own customers.

26 10. Exhibit F to the Heaven Declaration is a true and correct copy of an OEM Agreement  
27 between ViewSonic and Sampo dated March 5, 2001, designated by ViewSonic as “Highly  
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1 Confidential” under the terms of the Protective Order. The document contains confidential,  
2 nonpublic, and highly sensitive business information pertaining to ViewSonic’s purchasing  
3 practices, negotiation tactics, and business relationship with a vendor. The document includes the  
4 negotiated terms and conditions that governed the relationship. Public disclosure of this sensitive  
5 information risks undermining ViewSonic’s business relationships with its various other vendors,  
6 harming ViewSonic’s customer relationships, and providing ViewSonic’s competitors with an  
7 unfair strategic advantage. Public disclosure would place ViewSonic at a competitive  
8 disadvantage when negotiating other purchase agreements and when negotiating for the sale of its  
9 products to its own customers.

10 11. Exhibit G to the Heaven Declaration is a true and correct copy of the Declaration of  
11 Bonny Cheng in Support of ViewSonic’s Opposition to the Panasonic Defendants’ Motion to  
12 Dismiss and to Compel Arbitration. The declaration includes descriptions of ViewSonic’s  
13 confidential business activities, including negotiations and other activity. Public disclosure of the  
14 declaration would provide ViewSonic’s competitors with valuable insight into ViewSonic’s  
15 negotiations and business insight. Public disclosure would place ViewSonic at a disadvantage  
16 when negotiating with its customers and would provide a competitive advantage to ViewSonic’s  
17 competitors.

18 12. The Heaven Declaration quotes from or describes transactional purchase data designated  
19 by ViewSonic as “Highly Confidential” under the terms of the Protective Order. Public disclosure  
20 of this sensitive information risks undermining ViewSonic’s business relationships with its  
21 various vendors, harming ViewSonic’s customer relationships, and providing ViewSonic’s  
22 competitors with an unfair strategic advantage.

23 13. The Opposition quotes from or describes Exhibits A through G and the Heaven  
24 Declaration. I am informed or believe that ViewSonic considers any statements in the Opposition  
25 summarizing these exhibits and declarations to be highly confidential, and that public disclosure  
26 of this information would also likely cause harm to ViewSonic with respect to its vendors,  
27 competitors and/or customers. Accordingly, all portions of the Opposition that quote from or  
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1 describe Exhibits A through G or the Heaven Declaration should be maintained under seal.

2 14. ViewSonic has narrowly tailed this sealing request to only those exhibits and references  
3 thereto necessary to protect its proprietary and sensitive business information. Accordingly, for  
4 the reasons stated above, ViewSonic requests that the Court maintain Exhibits A through G, the  
5 highlighted portions of the Heaven Declaration, and all portions of the Opposition that describe  
6 them, under seal.

7 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
8 and correct.

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10 Executed this 22nd day of September, 2014, in Washington, District of Columbia.

11  
12 /s/ Astor H.L. Heaven  
13 Astor H.L. Heaven  
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